

House Bill 230

By: Representatives Long of the 61<sup>st</sup>, Davis of the 109<sup>th</sup>, Jordan of the 77<sup>th</sup>, Bruce of the 64<sup>th</sup>, Benfield of the 85<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 1 of Title 41 of the Official Code of Georgia Annotated, relating to nuisances generally, so as to provide that the emission of pentachlorophenol by certain facilities located near designated schools are creating a nuisance per se; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 1 of Title 41 of the Official Code of Georgia Annotated, relating to nuisances generally, is amended by adding a new Code section to read as follows:

"41-1-10.

(a) As used in this Code section, the term:

(1) 'Facility' means any building, structure, or process conducted by a corporation, company, business, industry, or similar entity in Georgia whether publicly or privately owned or operated.

(2) 'Pentachlorophenol' means that chemical with the CAS registry number 87-86-5 and includes any substance by whatever trade name containing such chemical.

(b) If a facility is located within a two-mile radius of a public or private elementary or secondary school and emits any measurable amount of pentachlorophenol, the emission of pentachlorophenol shall be a nuisance per se. A private right of action shall accrue to students exposed to pentachlorophenol for the abatement of the nuisance created by such emission."

**SECTION 2.**

This Act shall become effective on July 1, 2009.

**SECTION 3.**

All laws and parts of laws in conflict with this Act are repealed.